

Lawrence R. and Susan G. Cook
4125 Onnalinda Drive
Canandaigua, NY 14424

October 9, 2021

Town of Canandaigua Planning Board and Zoning Board of Appeals
Attention: Shawna Bonshak, Town of Canandaigua Planner
5440 Route 5 & 20 W.
Canandaigua, NY 14424

Re: CPN -21-050 4118 Onnalinda Drive Single Stage Subdivision

References Zoning and Planning Boards Read Are Requested To Review: Subdivision
Requests For Same Property CPN -045-17 and CPN-009-09

Dear Zoning and Planning Board Members:

This letter is in response to the application that has been submitted by Venezia & Associates, representing Cory Westbrook, requesting approval of a single stage subdivision on Onnalinda Drive. As owners of property on Onnalinda Drive for over 48 years, and partial owners of Onnalinda Drive that borders the 4118 property, we request that this application be totally denied. The previous two similar requests CPN -045-17 and CPN-009-09 in previous years were both not approved.

The many reasons why the application should be totally denied are included in the attached letter submitted by Jack Schuppenhauer, of the Schuppenhauer Law Firm dated October 17, 2017. We have enclosed it below for easy access. A file copy of the letter from Jack is in the CPN-045-017 file on line. Both CPN -045-17 and CPN-009-09 have been digitized on Development Offices drives for easy viewing per Michelle Rowlinson. She will be happy to assist you in reviewing the many opposition letters from property owners on Onnalinda Drive along with, accident pictures, storm water videos and pictures, input from Kevin Olvany; Canandaigua Watershed Manager, Canandaigua Fire Department, Town of Canandaigua Highway Department and a traffic survey which all support our denial request.

Important opposition support is the same or greater than it was, when the last two submissions for subdivision of this property were submitted and not approved. We have had a very significant increase in car and truck traffic on Onnalinda Drive largely due to Short Term Rentals. This year alone one such rental using Onnalinda Drive has generated over 400 cars and trucks alone, as reported by one neighbor, who kept a written summary. There are 3 such rentals on Onnalinda Drive, i.e. 4117 Onnalinda Drive, 4083, and 4045 County Road 16 (uses their lot for renter parking on Onnalinda Drive). All this traffic speeds up and down our dangerous steep entry hill which adjoins the requested subdivision Lot # 3 and #4 in the submitted drawing.

Jack Schuppenhauer's letter dated October 14, 2017 follows. He has advised us that this letter is pertinent to this current request for subdivision and development as well as the previous submission in 2009 and 2017.:

October 14, 2017

Planning Board
Town of Canandaigua
5440 Route 5 & 20 West
Canandaigua, N.Y. 14424

Re: Subdivision application 6/16/2017 CPN #045-17-4118 Onnalinda Drive

Dear Planning Board Members:

I represent Lawrence and Susan Cook, owners of property at 4125 Onnalinda Drive, Canandaigua. I respectfully submit the following argument on their behalf, in Opposition to the above referenced Subdivision Application requested by Corey Westbrook.

THE NATURE OF THE APPLICATION

This is another application seeking to subdivide property located west of West Lake Road, and approximately 300 feet west of the shoreline of Canandaigua Lake. Reference is made to a previous application to the Town Planning Board (CPN #009-09), wherein the previous owner sought to subdivide the property into eight separate lots. Prior to that a four lot subdivision application in the same area was made (CPN # 134-05). Both previous subdivision applications were either denied or withdrawn after significant opposition by neighbors, who raised traffic volume, safety, drainage, and other issues.

This new Subdivision Application seeks to divide two lots into four, and in the process effectively creating two additional lots each just over ½ acre in size, both fronting on Onnalinda Drive, a private, undedicated, right of way 30 feet in width, the paved portion of which is only 14 feet in width. This narrow driveway is the only point of entry for the Onnlinda Drive property owners. The location of these two lots is along an entry curve in the narrow roadway, at a point where it begins a sharp curve and steep descent to West Lake Road.

Contemporaneously with this letter, you have or will have been provided with information to assist you in visualizing the proposal and in analyzing its potential impact, including:

- a) A copy of the 2005 and 2009 subdivision applications are available in Planning Board files and can be digitized for an easier review which I request you to do. They include a number of opposition letters from Onnalinda Drive residents and other information which is clearly pertinent to the current application. The same conditions exist today, as they did when the previous applications were made and have worsened during this year's storm events.
- b) A flash drive containing still images and videos, to give you a keen insight into chronic issues that already plague this neighborhood, which enable you to conceptualize the likelihood that this new proposed subdivision will exacerbate and magnify those issues.
- c) An additional current series of letters from Onnalinda Drive homeowners in opposition to this Application, that call to your attention their serious concerns.

In your review of the application and the information provided, I point out the following for your consideration:

- 1) Proposed Lot 1A is located directly behind and to the west of proposed lots 2A, 3 and 4. The elevation of the West end of Lot 1A, where Mr. Westbrook's home is under construction, as depicted on the 9/28/17 Venezia map, is 850 feet. The elevation drops sharply to 775 feet where the two structures exist on Lot 2A, and precipitously to 750 feet to proposed lots 3 & 4. Roughly, there is a drop of 100 feet over a distance of approximately only 700 feet. In addition, there is a 40 – 50 foot drop in elevation from the east boundary lines of the subject lots, and the Lake level.
- 2) The access to the lots is via a 30 foot wide private right of way (Onnalinda Drive). This private right of way rises about 40 feet from West Lake Road, with the initial climb taking place over a relatively sharp curve to the north. Proposed Lots 3 & 4 are located right along that curve. The paved portion of the right of way is only 14 feet in width, as depicted on the Venezia Map. As this is a private road, it was obviously constructed for passenger vehicles, not heavy equipment, and, maintenance obligations fall upon those owning the lots contiguous thereto. There is no homeowner's association and property owners resist paying for maintenance or improvement with some failing to pay their fair share.
- 3) It is clear from the photos and videos, that there is little room for two way traffic. Since no traffic study or analysis was provided with the Application, a private study is provided by Mr. Cook indicating that traffic has in fact increased over the past number of years, even since the 2009 application, and creating additional lots will yet again increase traffic, not to mention the potential hazard posed by the traffic entering the private road where it curves sharply from west to north.

- 4) By way of reference, Section 105-302 (D) of the Zoning Ordinance requires that access to a lot of record may be by a private road or drive, but such road or drive must have a right of way width of not less than thirty feet and an improved surface of at least twenty feet in width. Onnalinda Drive does not satisfy this requirement; and although the larger lots may be “grandfathered” in, the newly created lots would not.
- 5) The Ontario County Planning Board reviewed the 2009 application and concern was expressed over roadway maintenance, access for emergency vehicles, drainage and erosion control, and whether variances will be necessary due to the fact that lots will front on a private road. I am not aware of what position has been taken by the Planning Board with respect to this particular Application.

PERTINENT PROVISIONS OF THE CODE

The description of the “Purpose” of the Zoning Ordinance, contained in Section 105-101, recites, *inter alia*, that the Zoning Law and Official Zoning map are designed to: a) prevent the overcrowding of land and avoid undue concentration of population, b) to facilitate the efficient and adequate provision of public facilities and services, and c) to provide the maximum protection to residential areas from the encroachment of adverse environmental conditions. Section 105-102 of the Code provides that “In their interpretation and application, the provisions of this Law shall be held to be the minimum standards and requirements for the protection of the public health, safety and general welfare.” As previously pointed out, Section 105-302 (D) requires that access to a lot of record may be by a private road or drive, but such road or drive must have a right of way width of not less than thirty feet and an improved surface of at least twenty feet in width.

NEIGHBORHOOD RESPONSE

Previous applications were met with overwhelming neighborhood opposition. This application is no exception. Letters in opposition recite certain other facts that should be taken into consideration. Among them are:

- 1) Onnalinda drive is narrow, steep, has a deep drainage ditch on the west side, and is only wide enough for one car to pass at a time.
- 2) Numerous accidents have occurred at the intersection of Onnalinda Drive and West Lake Road;
- 3) Access to emergency vehicles is difficult at best, especially given the width of Onnalinda drive; the existing turn around at the north end is not adequate to handle larger fire trucks and does not meet fire code requirements.
- 4) There is presently no public sewer or water servicing the proposed new lots as they are outside of the existing districts.

- 5) There is no plan included for the development of the Westbrook property located at 4096 Onnalinda Drive (this was also a concern of the County Planning Board). There is a possibility that 4096 could be tied in to a development to the North (West Lake Marine club). The 16 plus acres of land at 4096 Onnalinda Drive is owned by Beth Westbrook, Greg Westbrook's wife.
- 6) The land proposed to be developed has a steep incline and has poor percolation due to its composition of glacial clay and sedimentary rock;
- 7) Historically, property owners to the east of Onnalinda Drive have experienced serious drainage problems and have incurred property damage from water discharge coming from the 4118 land.
- 8) Onnalinda Drive was paved in recent years, but the width of the pavement remains a problem and is in need of repair due to April-July, 2017 storm events. Although the drainage ditch to the west of Onnalinda Drive was widened, deepened, and lined with rip rap, water run-off problems still apparently continue to exist. The addition of more residential lots would only compound the problem.
- 9) Once the Morell Housing development to the west was built, basement flooding problems began.
- 10) Owners are concerned about the rural character of the neighborhood, and the impact that this development will have on property values;
- 11) As implied in a memorandum from James Hecker, Highway Superintendent, dated November 7, 2005, the roadway is inadequate, for it does not conform to Town Highway specifications, does not lend itself to emergency access, and does not have water hydrants.
- 12) As clearly stated in a memorandum from Robert Case, Fire Chief, dated November 8, 2005, there is no turn around, there are no hydrants, and the distance to the nearest hydrant is excessive, and the road is too narrow to accommodate emergency vehicles.

ARGUMENT

It is clear that Section 105-302 (D) prohibits building upon the applicants' property as it now stands. The same provision would prohibit building upon any of the proposed lots. A variance is therefore required, and the nature of such a variance would indeed be substantial, for it seeks to permit building upon three additional lots, where none whatsoever is permitted.

There is a clear and substantial impact upon nearby properties, including the concentration of housing, the increase in vehicular traffic, and the impact upon the environment: a) The addition of more traffic by virtue of the creation of these new lots will cause additional danger to the safety of the existing owners and any future users of the roadway, in view of its narrowness, its tenuous construction, and its contour. ; b) Although the application only summarily addresses the environmental impact of this proposed subdivision on the neighborhood, it is readily apparent that there is a clear and present danger of adverse environmental consequences: the development of these additional lots will result in additional run-off that will cause pollutants to cascade into the Lake. Erosion of land and sedimentary deposits, as well as water damage to structures are likely results. There has been no report or study of the environmental impact of this subdivision on the Lake, but one incident involving Lake contamination from run off has already occurred, and one incident of substantial flood damage to a structure has occurred as well.

Safety considerations are paramount and are neither recognized nor addressed by the proposal. It would appear that no proposal involving the subdivision of these lots could adequately address safety issues, without a major design of Onnalinda Drive, including structure, pavement width, shoulder, contour, elevation, and drainage. The lack of adequate access to emergency vehicles, the width of the roadway, and clearly do not comport with standards of safe ingress and egress. Under contemporary standards, this private roadway is simply inadequate.

It is therefore respectfully submitted that the detriment to the health, safety and general welfare of the neighborhood, and to the environment and safety of traffic in the Town of Canandaigua outweighs the benefit to the applicants and the plan should be rejected.

Sincerely,

John A. Schuppenhauer

JAS:J

We agree with all the opposition points in Al Kraus's letter dated June 9, 2021. It should also be noted that the emails dated December 5, 2017 and January 16, 2018 from Kevin Olvany, Canandaigua Watershed Manager to the Zoning and Planning boards, at that time, state his concerns about subdividing and developing the 4118 property and the lots proposed #3 and #4. These parcels contain natural springs, flowing all year long and erupt during storm events into water overflows into the adjoining properties with direct flows into Canandaigua Lake. These flows have gone into the 4117 Onnalinda Drive property owned at the time by Ki Sohn and his wife. Please refer to the pictures included.

Finally, we steadfastly maintain that any further subdivision and development of the land to the should be prohibited. This position is shared by virtually all of the Onnalinda Drive residents, past and present.

Sincerely,

Lawrence Cook & Susan Cook

Attached Opposition Photos From CPN-045-17 Request For Subdivion



P.

Top- Water Continues Down Onnalinda Drive To The South.
Bottom- Water Creates Water Fall Over Wall At 4137 Onnalinda Drive And
EntersFirst Level.

Storm event water from 4118 Onnalinda Drive causing flowing basement and water damage for 4117 Onnalinda Drive property owner Ki Sohn.



- E. Top-Onnalinda Drive(OD) Winter View At 4125 OD Looking North, Single Lane Traffic Limited To 9-10 Effective Pavement Width
- E. Bottom- OD Winter View At 4125 OD Looking South, Parked Car On Shoulder Hinders Snow Plowing, 9-10 Feet Effective Pavement Width.



4118 Onnalinda Driveway with major water discharge during a typical storm event.



C. Top -Tractor Trailer Accident Entry To Onnalinda Drive
C. Bottom- Moving Van Slides In Deep Ditch On West Side Of Onnalinda Drive



Increased road congestion due to short term rentals (VRBO & Airbnb) with many cars at a time impeding traffic flow on Onnalida Drive, adjacent to 4118 proposed subdivide lots # 3 and #4 per Subdivison Plat 9/8/21



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